

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
The Development of Operational,)
Technical and Spectrum Requirements)
For Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)
)
Establishment of Rules and Requirements)
For Priority Access Service)

WT Docket No. 96-86

To: The Commission

REPLY COMMENTS OF CORDILLERA COMMUNICATIONS, INC.

Cordillera Communications, Inc. ("Cordillera"), by its attorneys, submits herewith its reply comments in the above-referenced proceeding proposing, *inter alia*, technical requirements to protect broadcast licenses operating in the 746-806 MHz band (television channels 60-69) from interference.^{1/} Cordillera, through wholly-owned subsidiaries, owns nine VHF stations licensed to communities in Arizona, Colorado, Idaho, Louisiana and Montana. Cordillera also owns and operates a large number of TV translators and low power television ("LPTV") stations in Arizona, Colorado, Idaho and Montana. These translators and LPTV stations retransmit the signals of Cordillera's full power television stations to viewers located in areas with rugged

^{1/} This present round of comments was initiated by *Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010; Establishment of Rules and Requirements For Priority Access Service*, Second Notice of Proposed Rulemaking, WT Docket No. 96-86, (released Oct. 24, 1997) ("Second NPRM").

terrain who would be unable to receive an over-the-air television signal absent a translator or LPTV station.

Cordillera filed comments in the related docket regarding reallocation of the 746-806 MHz band,^{2/} urging the Commission to protect low power television stations operating in channels 60-69. The Commission declined to provide additional protection to low power stations despite that many low power stations already face displacement in the remainder of the heavily congregated television band. Instead, the Commission permitted low power stations in the channels 60-69 band only to operate through the end of the DTV transition period, so long as they cause no harmful interference to primary services — which will include those newly reallocated public safety and commercial services dealt with in this proceeding.^{3/} Cordillera is faced with the very real possibility that many of its low power stations will be required to discontinue service prior to the end of the DTV transition period.

Now several commenters now wish to erode broadcast services further in this band by decreasing the time-tested harmful interference standard of 50 dB D/U signal ratio.^{4/} Some commenters even suggest that the proposed reduction in the *Second NPRM* of 10 dB does not go

^{2/} *Reallocation of Television Channels 60-69, the 746-806 MHz Band*, ET Docket No. 97-157.

^{3/} *Reallocation of Television Channels 60-69, the 746-806 MHz Band*, Order, ET Docket No. 97-157 (rel. Jan. 6, 1998), at ¶29.

^{4/} *E.g.*, Comments of National Public Safety Telecommunications Council at 47-50; Comments of Association of Public-Safety Communications Officials-International (“APCO”) at 17-19; Comments of Motorola at 18-22; Comments of Ericsson at 21-23. The Commission suggests too that the protection level could be reduced to 40 dB, though it is not clear that the database thought to support this suggestion extends beyond that which was collected in New York City. *Second NPRM* at ¶¶228-233. Cordillera respectfully suggests that more “real-world” data taken from a variety of environments rather than from one of the most unique settings in the country would be prudent.

far enough, contending that an additional 20 dB protection should be lopped off.^{5/} For a number of reasons, Cordillera strongly disagrees with these efforts and urges the Commission to retain existing protection levels.

As an initial matter, the record does not support modifying the 50 dB D/U protection standard. It must be that parties proposing to reduce existing protection standards have the burden of demonstrating that such a change is viable. This has not been done. For example, Ericsson and APCO, which both propose drastic reductions in interference protection, provide little basis to support their radical requests. Neither party provides a technical exhibit, offers results of independently verifiable tests or can even identify a level of appropriate protection. Instead, APCO "*understands* that an adjustment of over 20 dB . . . would be possible"^{6/} and Ericsson "*believes* that the appropriate correction . . . lies in the range of 15 to 20 dB."^{7/} The National Public Safety Telecommunications Council asserts that unspecified "measurements" confirm that the proposed standard would be "conservative."^{8/} These representative parties make little effort to support the Commission's proposed cut of 10 dB, much less the additional 20 dB some seek in their comments to eliminate. If the Commission were presented with such meager showings for, say, modifications to broadcast facilities, the proposals would be rejected out-of-hand. Surely such showings are unacceptable as a basis for adopting a general rule. Before the Commission abandons an interference standard that properly functions to protect an already

^{5/} Ericsson at 23-24; APCO at 18.

^{6/} APCO at 18 (emphasis added).

^{7/} Ericsson at 24 (emphasis added).

^{8/} National Public Safety Telecommunications Council at 49.

beleaguered service, it should rely upon thorough and verifiable testing as opposed to self-serving conclusory "beliefs."

Cordillera is especially concerned that these unsupported requests are an attempt to achieve a "back door" termination of low power service. The Commission has recognized the importance of LPTV stations and TV translators to communities and has said it would attempt to provide relief to these low power stations due to the detrimental effect of the DTV roll-out.^{9/} Yet by making the already short lifetime of low power stations in this band contingent upon harmful interference, and subsequently proposing to lower the interference protection that television stations might have, the Commission is not providing relief to low power stations but accelerating their demise. The Commission should clearly indicate that low power stations will be protected in the same manner as full-service stations and that that level of protection will not be decreased. The Commission should make good on its statements that it will work to provide relief to low power stations.

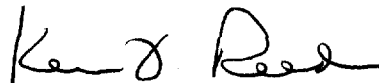
Furthermore, these circumstances are temporary. New licensees in the channels 60-69 band will have unencumbered access to this spectrum as soon as the DTV transition is complete. The Commission should balance the needs of all services so that use of the spectrum is optimized and services upon which people currently rely can operate as long as possible. By maintaining the existing 50 dB D/U standard, the public will be assured of their continued access to all television stations. Indeed, if there were ever a time to maintain an effective, properly functioning standard, it would be during the period of multi-service operation in this band.

^{9/} *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, MM Docket No. 87-268, 7 CR 994 (P&F) (released Apr. 21, 1997) at ¶¶116, 142.

For the foregoing reasons, Cordillera urges the Commission to reject requests that the protection to television stations be reduced and to maintain the current standard of 50 dB that has served well to ensure that as much of the public as possible has access to free, over-the-air television service.

Respectfully submitted,

CORDILLERA COMMUNICATIONS, INC.

By: 
Kevin F. Reed
Scott S. Patrick

Its Attorneys

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802
202-776-2000

January 26, 1998

CERTIFICATE OF SERVICE

I, Connie Wright-Zink, a secretary at the law firm of Dow, Lohnes & Albertson, do hereby certify that on this 26th day of January, 1998, the foregoing "REPLY COMMENTS OF CORDILLERA COMMUNICATIONS, INC." were served via first class mail (except where hand delivery is noted by an asterisk) to the following:

Jonathan D. Blake
Ellen P. Goodman
Eric R. Phillips
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, DC 20044-7566

Henry L. Baumann
Valerie Schulte
National Association of Broadcasters
1771 N Street, N.W.
Washington, DC 20036

Joseph McNeil
Captain, Harwich (MA) Fire Department
Association of Public-Safety
Communications Officials International, Inc.

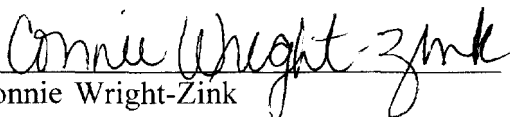
Marilyn B. Ward
Interim Chairperson
National Public Safety Telecommunications
Council
2050 East Iliff Avenue
Denver, CO 80208

Victor Tawil
Senior Vice President
Association for Maximum
Service Television, Inc.
1776 Massachusetts Ave., N.W.
Suite 310
Washington, DC 20036

Dr. Lars-Goran Larsson
Ericsson Inc.
1634 I Street, N.W.
6th Floor
Washington, DC 20006

Robert M. Gurss, Esq.
Wilkes, Artis, Hedrick & Lane, Chartered
1666 K Street, N.W.
Suite 1100
Washington, DC 20006

Richard C. Barth
Director of Telecommunications Strategy
and Regulation
Motorola, Inc.
1350 Eye Street, NW
Washington, DC 20005


Connie Wright-Zink